



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 058856-0102

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fee only

Applicant: Tatsuya MATSUNAGA et al.
Title: DISPLACEMENT SENSOR HAVING A
DISPLAY DATA OUTPUT
Appln. No.: 09/770,379
Filing Date: 01/29/2001
Examiner: Barry CHOOBIN
Art Unit: 2625

AMENDMENT AND REPLY UNDER 37 C.F.R. § 1.111

Commissioner for Patents
PO Box 1450

03/18/2005 DBEL/Alexandria, VA 22313-1450

01 FC:1201 200.00 DA

Sir:

This is in response to the Non-Final Office Action dated October 6, 2004 (Paper No. 8) and is submitted within the shorten 3 month statutory time limit. Nevertheless, the Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Amendments to the Claims begins on page 2.

Remarks/Arguments begin on page 6

REMARKS

This is in full and timely response to the above-identified Office Action. The above listing of the claims replaces all prior versions, and listings, of claims in the application. Reexamination and reconsideration in light of the proposed amendments and the following remarks are respectfully requested.

Claim Amendments

In this response claims 3, 8, 14 and 21 are written into independent form. and claims 1-2 and 25-28 are cancelled. Inasmuch as claims 3-20 have been indicated as containing allowable subject matter, it is submitted that these amendments place the claims in prima facie condition for allowance.

Rejections under 35 USC § 103

The rejection of claims 1-2 and 25-27 under 35 USC § 103(a) as being unpatentable over Yoshii et al. (Yoshii) in view of newly cited Okabe, is rendered moot by the cancellation of these claims.

Conclusion

It is submitted that this application is now in condition for allowance. Favorable reconsideration and allowance of this application are courteously solicited.

Date December 23, 2004
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Respectfully submitted,

By 

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Substitute for Form PTO-875

Application or Docket Number

09/220329

CLAIMS AS FILED - PART I

(Column 1) (Column 2)

| FOR | NUMBER FILED | NUMBER EXTRA |
|---|--------------|--------------|
| BASIC FEE (37 CFR 1.16(a)) | | |
| TOTAL CLAIMS (37 CFR 1.16(c)) | minus 20 = | * |
| INDEPENDENT CLAIMS (37 CFR 1.16(b)) | minus 3 = | * |
| MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(d)) | | |

SMALL ENTITY

OR

OTHER THAN SMALL ENTITY

| RATE | FEE |
|-----------|-------|
| | \$395 |
| x \$25 = | |
| x \$100 = | |
| + \$180 = | |
| TOTAL | |

OR

OR

OR

OR

OR

OR

| RATE | FEE |
|-----------|----------|
| | \$790.00 |
| x \$50 = | |
| x \$200 = | |
| + \$360 = | |
| TOTAL | |

* If the difference in column 1 is less than zero, enter "0" in column 2.

CLAIMS AS AMENDED - PART II

(Column 1) (Column 2) (Column 3)

| AMENDMENT A | | CLAIMS REMAINING AFTER AMENDMENT | | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA |
|---|---|----------------------------------|-------|------------------------------------|---------------|
| Total (37 CFR 1.16(c)) | * | 19 | Minus | ** 28 | = |
| Independent (37 CFR 1.16(b)) | * | 4 | Minus | *** 3 | = 1 |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d)) | | | | | |

SMALL ENTITY

OR

OTHER THAN SMALL ENTITY

| RATE | ADDITIONAL FEE |
|-----------------|----------------|
| x \$25 = | |
| x \$100 = | |
| + \$180 = | |
| TOTAL ADD'L FEE | |

OR

OR

OR

OR

OR

| RATE | ADDITIONAL FEE |
|-----------------|----------------|
| x \$50 = | |
| x \$200 = | 200 |
| + \$360 = | |
| TOTAL ADD'L FEE | 200 |

(Column 1) (Column 2) (Column 3)

| AMENDMENT B | | CLAIMS REMAINING AFTER AMENDMENT | | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA |
|---|---|----------------------------------|-------|------------------------------------|---------------|
| Total (37 CFR 1.16(c)) | * | | Minus | ** | = |
| Independent (37 CFR 1.16(b)) | * | | Minus | *** | = |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d)) | | | | | |

| RATE | ADDITIONAL FEE |
|-----------------|----------------|
| x \$25 = | |
| x \$100 = | |
| + \$180 = | |
| TOTAL ADD'L FEE | |

OR

OR

OR

OR

OR

| RATE | ADDITIONAL FEE |
|-----------------|----------------|
| x \$50 = | |
| x \$200 = | |
| + \$360 = | |
| TOTAL ADD'L FEE | |

(Column 1) (Column 2) (Column 3)

| AMENDMENT C | | CLAIMS REMAINING AFTER AMENDMENT | | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA |
|---|---|----------------------------------|-------|------------------------------------|---------------|
| Total (37 CFR 1.16(c)) | * | | Minus | ** | = |
| Independent (37 CFR 1.16(b)) | * | | Minus | *** | = |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d)) | | | | | |

| RATE | ADDITIONAL FEE |
|-----------------|----------------|
| x \$25 = | |
| x \$100 = | |
| + \$180 = | |
| TOTAL ADD'L FEE | |

OR

OR

OR

OR

OR

| RATE | ADDITIONAL FEE |
|-----------------|----------------|
| x \$50 = | |
| x \$200 = | |
| + \$360 = | |
| TOTAL ADD'L FEE | |

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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